



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

July 18, 2024

**By ECF**

The Honorable Kenneth M. Karas  
United States District Judge  
The Hon. Charles L. Brieant Jr. Federal Building and United States Courthouse  
300 Quarropas Street  
White Plains, NY 10601

Re: *Shelby v. Petrucci, et al.*, No. 23 Civ. 4315 (KMK)

Dear Judge Karas:

In the above-referenced action, plaintiff July Justine Shelby (“Plaintiff”) has brought claims under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), against nine individual defendants (collectively, “Defendants”). This Office represents six of those defendants: Alix McLearn, J.C. Petrucci, William Pliler, Milton Washington, Alphonso Linley, and Bryan Walls. Defendants Drew Hanna, Erik Christensen, and Zakkary Hurn have retained private counsel. I was recently informed that Plaintiff is no longer proceeding *pro se* in this matter and is represented by Remy Green, an attorney with Cohen Green PLLC. I write on behalf of all parties.

Last week, I spoke with Mx. Green and with counsel for the private defendants regarding Plaintiff’s new representation. Mx. Green has indicated that they intend to review the case and determine whether Plaintiff will amend the complaint and/or potentially voluntarily dismiss any claims or defendants. Plaintiff has also informed the Government that Ms. Shelby intends to pursue an administrative action against the United States pursuant to the requirements set forth in the Federal Tort Claims Act (“FTCA”). In light of these representations and updates, the parties respectfully request that the deadline for Plaintiff to amend the complaint and/or voluntarily dismiss any or all claims or defendants be extended from July 31, 2024, to August 30, 2024, and that the current August 12, 2024 deadline for Defendants to move to dismiss be vacated. The parties are also discussing whether there might be an alternative way to address parallel issues that might be raised if Plaintiff pursues claims brought under the FTCA along with any *Bivens* claims that remain (if any) post-amendment. Plaintiff has proposed the possibility of a temporary stay, dismissal without prejudice and tolling, or something else. At present, no party has made any commitments and no agreement has been reached.

In addition, if Plaintiff chooses to amend the Complaint by the proposed August 30 deadline, Defendants respectfully suggest that the Court enter the following schedule, to which Plaintiff consents:<sup>1</sup>

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<sup>1</sup> Because Defendants have already filed pre-motion letters setting forth the bases for their anticipated motions to dismiss (ECF Nos. 52, 53), Defendants respectfully request that they be

- Deadline for Defendants' Motions to Dismiss: **September 27, 2024**
- Deadline for Plaintiff's Opposition: **October 25, 2024**
- Deadline for Defendants' Replies: **November 15, 2024**

We thank the Court for its consideration of these requests and attention to this matter.

Respectfully,

DAMIAN WILLIAMS  
United States Attorney

By: /s/ Dana Walsh Kumar  
Dana Walsh Kumar  
Assistant United States Attorney  
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cc:

By ECF  
Remy Green, Esq.  
*Counsel for Plaintiff*

Silvia Serpe, Esq.  
*Counsel for Drew Hanna*

Elizabeth Wolstein, Esq.  
*Counsel for Zakkary Hurn*

Bertrand Madsen, Esq.  
*Counsel for Erik Christensen*

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excused from Your Honor's pre-motion letter requirement set forth in the Court's Individual Practices II.A.